With the Author's respects

THOUGHTS AND SUGGESTIONS

HAVING REFERENCE TO

INFANTICIDE;

BY

J. B.

"BEWARE OF THEM DIANA; THEIR PROMISES, ENTICEMENTS, OATHS, TOKENS, AND ALL THESE ENGINES OF LUST, ARE NOT THE THINGS THEY GO UNDER: MANY A MAID HATH BEEN SEDUCED BY THEM."

Shakspeare.

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TO THE READER.

THE writer of this Pamphlet claims no other merit for its publication, than that of a desire to contribute his own share of information upon a subject of growing importance and of a perplexing nature, upon which, from circumstances, he has been able to collect facts and form opinions—whether correctly or not, he leaves to the judgment of others.

If it is not all that the Literary reader would desire in point of composition, it is because the official duties of the writer are sufficient of themselves to engross the chief portion of his time.

As regards the character of the matter discussed, which a false modesty may object to, all the writer can say is, that whatever of a disagreable nature belongs to it is inherent in the subject and cannot be removed; and that, if such matters are not to be investigated on that account, the moral jurisprudence of the country will be imperfectly developed upon this and some other questions of serious import. The *timid* enquirer should bear in mind the invariable rule, viz. :—that the impunity with which offences are committed causes their increase: and then, perhaps, having the public good in view, his courage will rise with the occasion.

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THOUGHTS AND SUGGESTIONS.

THERE is a Divine intimation that poverty will always prevail. "The poor you have always with you," said the Saviour nearly two thousand years ago. The providing for their necessities may sometimes involve a *difficulty* (humanly speaking), but it also involves a *duty*, and we must overcome the former that we may perform the latter.

I am not, however, about to inflict on the reader a history of the "Poor Laws," but simply to ask him to go back with me to the year 1832, when the Whig*

* "Severity towards the poor was, in Dr. Johnson's opinion, an undoubted and constant attendant or consequence upon Whiggism; and he was not contented with giving them relief, he wished to add also indulgence. He loved the poor as I never yet saw any one else do, with an earnest desire to make them happy. What signifies, says some one, giving half-pence to common beggars? they only lay it out in gin or tobacco. 'And why should they be denied such sweeteners of their existence,' says Johnson, 'it is surely very savage to refuse them every possible avenue to pleasure, reckoned too coarse for our own acceptance. Life is a pill that none of us can bear to swallow without gilding, yet for the poor we delight in stripping it still baror, and are not ashamed to shew even visible displeasure, if ever the bitter taste is taken from their mouths."—*Johnsoniana*, page 27.

Government of that period resolved to *amend* those laws; and to follow me in any remarks I may feel it necessary to make arising out of a portion of that measure, with reference to the consequences resulting from it.

It would appear there is only one way of enlightening a Member of Parliament, namely, by Commissions of Enquiry, and Blue Books; so, according to custom, a Commission was appointed in 1832 to enquire into the practical operation of these laws: but it seems to have been found that one set of Commissioners in this case was insufficient, and therefore the primary Board sat and hatched another. These were called "Assistant Commissioners,"—certain *Itinerant* gentlemen, whose duty it was to go about the country in quest of "abuses," the abuses of the then existing Poor Laws. Now these Commissions and Commissioners form an apparatus of a very useful kind, but they require to be watched, lest the object in view be based on selfish, instead of patriotic, motives. Upon this subject Dr. Chalmers, writing on the "Sufficiency of the Parochial System" in Scotland, remarks —

"For our least and lowest speeimen of the influence of polities on this question, we might refer to those Commissioners of Inquiry, whose obvious aim it is to make out a ease. We are far from affirming this to be universal, though we fear it is too frequent—more espeeially when the enquiry, if made to terminate in one way, is to issue in the establishment of a board, with an apparatus of constituent and dependent, and withall well-paid offiees. When under the influence of sueh an antieipation, the whole business, more espeeially if in the hands of a sordid government and of the like sordid hirelings whom they employ, is very apt to degenerate into what is familiarly termed a job—and that because of the mueh-longed-for and much-laboured-after result, which is to swell the patronage of the one party, and to provide salaries for the other."

Some such feeling as this appears to have pervaded the mind of a distinguished Member of Parliament, when the report of these itinerant Commissioners was under discussion, for he suggested that, "Whatever evidence they might have collected, they appeared to have started with a *plan* in their heads, and to have stated the evidence in a manner most effectual for the establishment of that plan."

But my business is not with the conclusions of the Commissioners, nor with the Act of Parliament which arose out of them, as a *whole*, but with those parts only which relate to *illegitimate children*. Of the Act *generally* I do not presume to have formed an opinion, and therefore leave its merits to one who has, and who may be considered an independent witness. Speaking of this important government measure, several years after the passing of it, Dr. Chalmers says :—

"The best which can be said of their last and greatest reform, is that in some of its sterner, though in none of its kindlier features, it does somewhat approximate to the right and wholesome charity of principle, being still in fact but the superficial modification of what in its very nature is radically and essentially evil. But it possesses none of those gracious characteristics, and can exert none of those bland and benignant influences, which might all be realized in ordinary times under a gratuitous economy; and indeed are still exemplified throughout the majority of our Scottish parishes."

The fundamental resolutions arrived at by the Commissioners relating to illegitimate children were these :

"As a further step toward the *natural* state of things we recommend that the mother of an illegitimate child, born after the passing of the Act, be required to support it, and that any relief occasioned by the wants of the child be considered relief afforded to the parent."

"We recommend that the 2nd section of the 18th Eliz. cap. 3 and all other Acts which punish or charge the putative father of a

bastard, shall, as to all bastards born after the passing of the intended Act, be repealed.

Cases will no doubt occur of much hardship and cruelty, and it will often be regretted that these are not punishable at least by fine upon the offender. But the object of law is not to punish, but to *prevent*: and if the existing law does not *prevent*, as is too clear, it must not be maintained against its proper design, with a view to punishment, still less must it be maintained if it acts as an incentive."

"What we propose is intended to restore things, as far as it is possible, to the state in which they would have been if no such laws had ever existed; to trust to those checks, and to those checks only, which Providence has imposed on licentiousness."

Now the opinions involved in the above recommendations, (which Parliament adopted,) are those of a *School*—the school of *Political Economists*—that school, or at least a class of it, with which originated some years before, the doctrine embraced in the following quotation :—

"A man who is born into a world, already possessed, if he cannot get subsistence from his parents, and if the society do not want his labour, has no claim of right to the smallest portion of food, and in fact has no business to be where he is. At *Nature's mighty feast* there is no vacant cover for him. *She* tells him to be gone, and will quickly execute *her own* orders."*

There is one thing which strikes a common (and perhaps an ignorant) observer, in passing, as somewhat dangerous and inconsiderate in political economists. They are continually referring us back to nature, as if we were not now in a state of civilization, and always endeavouring to impress on the minds of the poor that *naturally* they have no *right* to be supported, either in their destitution or weaknesses, forgetting that in *nature* the poor have as many rights as the rich.

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* Malthus on Population, 4to edit. p. 531.

"Know, *nature's* children all divide her care,
The fur, that warms a monarch, warm'd a bear."—*Pope.*

But what were the crimes committed by the female sex (hitherto held to be *weak*) to call for such heavy penalties, for an Act of Parliament to inflict upon many of them in future "*much hardship and cruelty*"? It was simply that some of them, being unhappily under the dominion and control of designing and profligate men, had learnt to make a trade of that vice which originated, perhaps, in pitiable weakness. In other words, the Commissioners discovered "abuses" existing in the administration of the Poor Laws, and instead of tracing them to the wickedness of men, they stopped short and ascribed them to the *weakness* of women; and then, forsooth, because of her weakness, they humanely and inconsistently throw upon her all the responsibility, to the relief of the *strong*. Whether such an act can be justified by the *motive*, namely, to "*prevent* bastardy," remains to be seen.

It became evident during the discussion of this proposed new Bastardy Law in Parliament, virtually depriving women of the right of maintenance for their illegitimate offspring from the fathers of them, that the doctrines of the "economists" were uppermost, and that men voted for it not because it was just, but as a matter of *expediency*, to try, in fact, a new experiment in political economy. One eminent member "admitted that the father was a more blameable party in the transaction than the female, but the legislature must be guided by practical effects." This was indeed the current feeling throughout the debate, namely, to see whether it was possible to make women virtuous by Act of Parliament, in spite of all the temptations

which surround them on every side, an experiment which the Lord Chancellor confessed was "a bold measure"; but there was another important issue to be tried along with it, which appears to have been lost sight of, namely, whether profligate men would not avail themselves of the act in question, by becoming more profligate still, seeing that the restraints were removed which had hitherto held them in check. And all this was done because a discovery was made by certain wandering Commissioners, that "abuses" existed in the administration of the old Poor Law—a discovery about as sensible as that of the Knight of the rueful countenance, when he fought the battle of the Windmills.*

But have abuses ceased since this "old" Poor Law was abrogated? Are there no abuses in the administration of the "*new*"? Read the recent disclosures of the Educational Commissioners of the training of those poor children in Workhouses, who are for the most part the "consequences of seduction."

"Since the year 1834 the education of pauper children in workhouses has been compulsory. The Poor Law Board in obedience to an act of the Legislature, orders that 'The boys and girls who are inmates of the workhouses shall, for three working hours at least every day, be instructed in reading, writing, and arithmetic, and the principles of the Christian religion; and such other instruction shall be imparted to them as may fit them for service, and train them to habits of usefulness, industry, and virtue.' In execution of this order boards of guardians have established work-

* When Lord Bacon, and the other luminaries of Elizabeth's reign, instituted the original Bastardy Law, they established a *principle that every profligate man should be answerable for his moral conduct.* This principle was acted upon for nearly 250 years, and was now, for the first time, to be set aside, forsooth, because of "abuses." Why "abuse" follows all the proceedings of mankind, legislative or otherwise, as spring follows winter; and if everything in this world is to be overturned simply because of "abuse," society and its affairs would be continually in a state of confusion.

house schools in connection with every union; but it has been known for many years that evils have existed in connection with the schools, for which remedy was imperatively required. They arise from 'the contamination of the children by intercourse with adult paupers, the absence of moral, intellectual, or industrial training, and the habit contracted by the children, of regarding the workhouse as a home, and pauperism an inheritance.' In the official reports of the Poor Law Commissioners these evils have been more than once alluded to. In 1841 it was stated that, from the causes above specified, the Commissioners could not hope for much beneficial influence from these schools on the future character and habits of the children, while they expressed their fear that even much evil and disaster might ensue. Mr. Tuffnell, in 1852, quoted some glaring instances in proof of these evils, and of the bad morals of the boys and their inefficient instruction. Dr. Temple has also testified that the workhouses are such as to ruin the effects of most of their teaching; the illustrations quoted as proof of this statement proving the existence of the lowest moral condition of the children. Miss Twining, in her answers to questions addressed to her by the Commissioners, writes in a similar manner of the girls, who are kept in the company of women of the most degraded character. The result has been the demoralization of the children, and the utter discouragement of good teachers. 'A good schoolmistress,' says Miss Twining, 'was asked why she seemed so depressed and spiritless about her work in a workhouse school; and she said it was because she felt she was training up the girls for a life of vice and depravity; it was impossible under existing circumstances that it should be otherwise; one after another went out to carry on the lessons she had learnt from the adults, and she returned like them, ruined and degraded, to be a life-long pauper.'

"The reports of the Assistant Commissioners confirm these statements in every respect. Mr. Cumin says:—

"'It seems impossible to exaggerate the spirit of lying, low cunning, laziness, insubordination, and profligacy which characterise the pauper class in workhouses; and this spirit naturally infects the mass of poor children who are born and brought up in so pestilential an atmosphere. The master of the Bedminster union, where old and young work together in the garden, told me that he could observe a marked deterioration in them after they come away from such out-door work. Moreover, I had a list furnished to me by the master and the mistress of the Plymouth workhouse of boys and

girls who had left the union. This return, as far as possible, showed what had become of each individual child. Of 74 girls, I found that no fewer than 37 had returned to the workhouse; and of 56 boys, 10 or 12 had returned, many of them several times. . . . Lastly, I find upon looking over the list furnished, that out of the 74 girls, only 13 are known to be doing well, and of the 56 boys, only 18. It may be observed in passing, that this confirms the general evidence, which goes to prove that the condition of the girls is worse than that of the boys'."*

"To breed up children in this manner, (said Dr. Johnson on another occasion, 100 years ago,) is to rescue them from an early grave, that they may find employment for the gibbet: from dying in innocence that they may perish by their crimes."

Rather than such training, it would even be better to leave these poor children to the *streets*, to be picked up by the best of all modern institutions, the Ragged Schools, and Brigades, and the Shoe-black Societies!

We see then that the Act of Parliament affecting this question came into existence in 1834, after two years' incubation. Till this time all legislation had been founded on the presumption that, of the two sexes, woman was the "weaker vessel," and therefore required the protection of him who claims to be "her Lord and Master;" but if philosophy be right, that the controul of the passions is the best proof which can be afforded of exalted virtue and mental superiority, then this act of the legislature places woman far above the man. With the momentum of temptation increased by the encouragement given to the seducer,

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* It is due to all concerned to say that different results follow from the better management of the workhouse children of *London*. I mean those who survive to be educated, and are removed from the contamination above alluded to.

she is expected to produce a resisting force which none but a being far removed from humanity could possibly exhibit. In fact, she is required not only to curb her own, but at the same time to put a check upon the passions of the man.

"We, the stronger sex," (says a modern writer,*)

"Have had the framing of the world's laws, and we have framed them very comfortable for ourselves, especially as regards morality. While the slightest laxity of conduct irrevocably damns the fame and worldly prospects of a woman, we have so arranged it, that license of all kinds is permitted to man; and he mixes, as a natural thing, in the extravagances and excesses of a loose life, and counts it nothing, at the same time, looking for the purity of a Diana in his sister and wife. At a certain age a young man acquires irregular habits, is dissipated; it is thought little of by society, by his friends,—he is 'sowing his wild oats,' and will be all the better for it by and by; but he has a sister, let us say, who, in walking the streets, carries herself rather jauntily, and she is at once known through the neighbourhood as giddy, and looked at askant by society in general; perhaps she becomes, after a fearful resisting struggle, a novice in the guilt whereof her brother is an *habitué*. And what is the ending of it all? Why, the brother maintains his position, his friends, his peace at home, his share in the paternal fortune, vicious *habitué* though he be; but the poor novice is branded with the ineffaceable and damning name of prostitute,—is cast forth into the unknown world, to live by vice or die by crime. God forgive us? Is this Gehenna, and are we lost wretches under the rule of demons? or is it a Christian land, where men believe in God and in an angel of light and love?"

There is, in truth, much inconsistency in some men towards women. If you suggest to them that women are entitled to equal political rights with themselves, they argue that "taking the average—say of one hundred brains,—man has five or six ounces more brain than a woman, &c. &c.," concluding, of course,

* *Social Aspects*, by J. S. Smith.

with the assertion that "this superiority in the male cerebrum lends *scientific* authority to the general verdict respecting the intellectual inferiority of woman!" If, again, you suggest that the artifices and treachery of man should be checked by allowing their victims a greater facility in affiliating their children, they tell you "it is a very difficult and delicate question, and on *moral* grounds should be left as it is!" If, on the contrary, you propose the establishment of Divorce Courts, there is neither "difficulty nor delicacy" in the matter, and they second the proposition with much satisfaction. So with respect to the institution of the bastardy clauses, of the new Poor Law;—a complacent majority did not hesitate passing them, although the tendency must necessarily be to relieve themselves at the expense of the female sex: and yet, strange to say, there are seldom twelve men to be found, who as jurymen will bring in a verdict which is to consign a poor wretch to the gallows, who, in the delirium of her despair, has deprived her child of its miserable existence;—and why? Because all men know well enough, how cruel and maddening is that law in which such crimes have their origin.

But "the most interesting and *defenceless* portion of the human race," (as they were called during the discussion by one of those "Economists" who was making them more defenceless still) were not without their advocates. The most determined of these was the eloquent bishop of Exeter, who grappled with the subject in so wise, earnest, and comprehensive a spirit, that it is impossible not to quote him,—

"As to the injustice of this measure," said his lordship,

"I rest my proof plainly and simply on its proposing to fix on one party—aud the party who, of the two, is the lcss able to bear it, the whole burthen which belongs, by the law of nature,—in other words, the law of God,—equally to both proportionately to their respective ability. It is on this principle that I proeeed; that the law of God lays on the father of a bastard child as much the burthen of maintaining that child as on the mother. I might go further if it were necessary for my argument; I might say that the law of God imposes on the father of a bastard child the duty of maintaining that child, as much as the duty of maintaining his legitimate child. In saying this, I think that I speak on no light grounds: I have no doubts myself—none whatever—that this view aceords with the doctrine contained in the Holy Scripture; for, while I admit that there is no text which in terms eommands the father to maintain his bastard child, yet I must say that there are principles repeatedly stated and cnforced in Holy Writ, which clearly point out that obligation. Such are those passages of Scripture which specially refer to the dutics of fathers to breed up their children in the nurture and admonition of the Lord, as well as all others which allude to the maintenance of ehildren by their fathers; *allude*, I say,—for there is none that speeially and formally eommands them to fulfil that obligation—Holy Scripture referring to it as to a matter so plain, that no human being eould require to be informed what is thc law of God on the subject. All these texts, which refer generally to the duties of parents towards their childrcn, appear, in my mind, to refer to the duty of parents towards all their children, bastards as well as legitimate. While I draw this conclusion from Scripture, I am happy to think that I am fortified in it by very high authorities. I rcfer more espeeially to the laws of this country, and to the principle—the hitherto undisputed principle—on whieh they are founded. I will not say anythiug as to what may be, (in truth I do not know what may be,) the law of Franee or Italy, or other forcign eountrics on this subjeet—and I am not ashamed to add, I do uot carc what it is:—I am satisficd with the principles of British law, and to these principles I refcr with eonfidence. The great commentator on English law, states the duty of parents to bastards as follows:—

'Let us next see thc duty of parents to their bastard childrcn by our law, which is principally that of maintenanee; for though bastards are not looked upon as children to any eivil purposes, yet thc ties of naturo, of whieh maintenance is one, are not so easily

dissolved.' The same writer says again :—'It is a principle of law that there is an obligation on every man to provide for those descended from his loins.' He goes still further, and adds, that 'the duty of parents to provide for the maintenance of their children is a principle of natural law,—an obligation laid on them, not only by nature herself, but by their own proper act of bringing them into the world; for they would be in the highest degree injurious to their issue if they only gave their children life that they might afterwards see them perish. By begetting them, therefore, they have entered into a voluntary obligation to endeavour, as far as in them lies, that the life which they have bestowed shall be supported and preserved; and thus the children will have a perfect right of maintenance from their parents.' This is the language of Blackstone : and if I look to a great commentator on the laws of another part of the United Kingdom,—I mean Mr. Erskine, in his *Institutes of the Law of Scotland*,—I find the same principle distinctly laid down by him. 'Parents are bound to maintain their issue though the relation be merely natural; not only the mother, who is always certain, but likewise the father, if he hath either acknowledged the child for his, or may be presumed from other circumstances to have begotten him,' While these are the principles of *British Law*—I say it emphatically, British Law,—law which prevails, and always has prevailed, in both parts of Great Britain, in Scotland as well as in England, I rejoice to add that these principles are recognised by all the great jurists who ever instructed mankind on this important subject. I hold in my hand extracts from Montesquieu, Grotius, and Puffendorf, —all going to the full extent of what I have said; but in truth, I cannot bring myself, speaking as I am in an assembly of Englishmen, I cannot bring myself to have recourse to foreign jurists; not even to Grotius, Puffendorf, and Montesquieu, to maintain for me the principle that English fathers are bound to maintain their children—aye, their illegitimate children. No, I will not degrade myself, nor insult you, by citing to you any such authority. If then it be the duty, the admitted duty, both of the father and of the mother, to provide for their bastard children, I think that it cannot require much observation from me to satisfy your lordships that it is only just that the duty which belongs to, and the burthen which results from that duty, should not be taken from him who is best able to bear it, and be placed on the helpless shoulders of the poor female,—I say the *helpless* shoulders of the poor female,—and I shrink not from the

full meaning of the words. I must be permitted to remind your lordships, that though the womeu is bouud to do all she can for the sustenance of her child, yet she never can do very much without assistance from others. I must remind your lordships that woman is essentially helpless, aud that in bringing these poor childreu into the world, it has pleased God to show her helplessness in the most trying aud affecting manner. At that tremendous extremity of suffering nature, woman must have assistance,—she must have support,—she must have it then, and for some time afterwards. Why, then it is a mockery of the laws of nature, aye, my lords, and it is a mockery of something more sacred, the laws of God, to cast upon the helpless shoulders of the woman this undivided burthen. I contend that woman is by nature not designed, not qualified, to bear the full burthen of the maintenance of her children. But when it has been actually admitted, as I have already shown, that it is the duty of the father, as well as of the mother, to maintain these children, can it be necessary to urge this point further? Still more, can it be contended any longer that the Legislature ought to throw this duty solely on the mother? Why is this to be done? The only reason I have heard for it is one, which I admit, sounds plausibly enough, and I confess I was myself caught by it for awhile, the only reason that I have heard iu support of this proposition is, that it is expedient, in order to preserve a purity of morals in all classes of the community, that as strong a restraint as possible should be put upon woman to compel her to maintain her chastity. I apprehend that this is the principle on which is to be rested the fitness of relieving the father altogether, and laying the whole burthen of maintenance on the woman alone. But here again, I must take leave to say, that we find in Holy Scripture that this is not the course which it pleased God himself to take. God, in that law which he himself gave to his choseu people, laid down principles which it is for us, and for all mankind to be ready at all times, to acknowledge as most equitable and most wise."

His Lordship then speaks of the probable consequences of the measure :—

"Let this bill but pass, as it at present stands, and your lordships may depeud upon it that you will soon discover your mistake. Depend upon it, if the ingenuity of woman be taxed to defeat those provisions which she will feel—and I must say,

will justly feel—to be most iniquitous, most cruel, most oppressive, it will not be taxed in vain. Yes; you must be prepared when you have passed this bill, to see a woman exercise her utmost ingenuity to defeat you, to evade the undue burthen which you would impose upon her—to prove to you that you cannot ascertain the mother of a bastard child more easily than the father, if your cruelty drive her to concealment. You must be prepared, too, for the responsibility of having forced her to expose her offspring to hazards which I will not attempt to describe, because I am sure your feelings will not suffer you patiently to listen to the description. If this bill should pass, every mother of every bastard child will feel that she is grievously injured. She knows, (you cannot persuade her to the contrary) that she ought to have the protection and the assistance of the father of that child; but she will now learn that that protection and assistance will be refused to her by him, because he is told by the legislature of his country that he is right in refusing it. And, be it remembered, that the woman will be told this at that very time when she is in a state of the utmost destitution—in the hour of her utmost distress—at a time when every temptation that want, and misery, and shame can force upon her, will come in their fullest might—it is then, it is at such an hour that she will be told, that—'the world is not her friend, nor the world's law'. Depend upon it, she will exert her ingenuity to the utmost to defeat that law, which she feels is to her so oppressive and so cruel. If you pass the bill, you must be prepared to find every woman who can manage the thing at all—I will not say ready to destroy her child but—ready to try every expedient which is possible for her to try, to place the poor babe which is to be the instrument of her degradation, destitution, and misery—out of her own hands into the hands of others. These children will be carried in baskets nicely wrapped up, and safely and cautiously secured, and laid at the overseer's door, or at the workhouse door, or at the door of the clergyman; and I sincerely hope that, if this bill passes, many of these poor infants will be consigned to the protection of the clergyman, knowing as I do, that he, at least, will take care that the child shall be borne in security, to those who will in that case be bound to maintain it—to the officers of the parish. In short, you will find that every workhouse will become an hospital for foundlings; and

the least deplorable result of the proposed measure, if it is adopted, will be that injury to morals, of which hospitals for foundlings have been invariably found productive. And yet, we are told, that all this cruelty, all this injustice, is to be committed for the sake of morality—for the sake of frightening women into chastity. I have but little confidence in the nostrum—I believe that women will defeat it; and I earnestly wish, but I cannot hope, that mere defeat may be all you will have to deplore. I tremble to think that crimes of a more hideous and appalling kind, than any violations of chastity may be, must be the consequences of the measure in which we are now invited to concur. God grant that those who, with me, entertain this fear, may be found to be mistaken! If the bill pass into a law, most earnestly and sincerely do I pray that it may not disappoint the expectations of those who have introduced it—that in this one instance the unchristian expedient (if you indeed resort to it) of doing evil that good may come—for injustice in any form, under any disguise, and for any purpose whatever, is, and must be, evil. God grant that, in this instance, the experiment may really effect its object—that the good sought and purchased at so high a price, as the sacrifice of justice, may be after all obtained—that the bill may succeed in deterring frail woman from those vicious courses which it is, I doubt not, sincerely designed to prevent! If it does this, it will have done something—it will have done much, but enough it cannot do, for nothing can be enough, to compensate its monstrous violation of a principle which the law of God, and, up to the hour in which I speak, the law of man has always hitherto held sacred—the principle of equal justice, in requiring the father to discharge, in due proportion, the first great duty which both parents owe to their common offspring, however born to them whether in wedlock, or out of wedlock."

The Bishop concludes thus :—

"But while we are thus considering the moral effect of this clause upon women, have we altogether lost sight of what is to be its moral effect upon men? It is plain that we ought not to remove all or any of those checks which God and man, up to this hour, have imposed on men, to save them from yielding to their profligate propensities. Now, by passing this Act you will remove

all those cheeks. You will release men, especially in the humbler walks of life, from all temporal restraints on their licentiousness. And this is not the only vicious consequence even to men which will follow from passing the bill in its present form. There are other moral evils, of very grave importance, which must also result from it. The tendency, the direct tendency, of this bill, in this part of its provisions, is to harden the heart of man, and increase his selfishness to an intensity of which we have never yet believed him capable. It goes further,—it goes to confound his sense—his practical sense—of right and wrong, and to deaden all his moral sensibility. It tells him that an Act of Parliament, forsooth, may release him, and has released him, from that duty which he owes to his children by the law of God—a duty therefore which he owes to God himself. Such is the direct tendency of this moral bill—a bill by whose moral provisions you are about to produce all these portentous effects—a bill by which you will corrupt and harden men, and encourage self-murder and infanticide in women—a bill by which at the very least and lowest, you are about to sacrifice the first principles of justice, and to tyrannize over that part of your kind which up to this hour you have felt it your first duty, as it has been your honest pride, to protect. There is one single observation more which I must make. Every law, to be efficient—and in this statement I am sure I shall have the unanimous concurrence of all your Lordships—every law, to be really efficient, must have the sanction of public opinion.

"My Lords, this bill never will, never can have the sanction of a general opinion of the British people. It is impossible. The British people have never yet been taught to regard women merely as the minister to their vilest passions—as the slave of their grossest appetites; they regard women as a being whom they are bound to honour in her purity, and not to spurn even in her fall—to cherish in her weakness, to assist in her distress—above all to protect, when she is oppressed. They never will be parties to all the cruelty, and all the oppression that are concentrated in this bill. If such be the case, will you proceed to pass this bill? Will not the effect be, to disgust the people of England with the law itself, so far as this measure is concerned? And let me remind you that it is not easy to disgust a nation with one part of its laws, without that disgust extending further. The effect of a legislature framing any of its laws in despite of the best feelings of the people is this—that every law so formed tempts

them to cast off their respect for all laws; and (I must not be afraid to add,) for the legislature which shall have ventured to make it. I do not wish to go further on this occasion; indeed, I feel that it is not necessary for me to do so. I cast myself upon your hearts, and call upon you to vote with me or against me this night, as those hearts shall prompt you. I call upon you by your sense of justice, by your bowels of mercy, aye, by your feelings of manhood, to reject this most unrighteous law."*

The Times also seconded the efforts of those who opposed this "bold measure," in a leading article as powerful as it was generous.

Notwithstanding all this masterly opposition, the bill passed into a Law. It is neither libellous nor new to say, that the real deliberations of Parliament are confined to a very few of its members, and that the rest, like a flock of sheep, follow their leader.

"That legislation is iniquitous," says Coleridge, "which sets law in conflict with the common and unsophisticated feelings of our nature,"—and that is about the character of this bastardy law.

Even Malthus, the great apostle of the "Economists," could sometimes enunciate doctrines opposed to this law, though always with a *qualification.*

"The obligation," says he, "on every man to support his children, whether legitimate or illegitimate, is so clear and strong, that it would be just to arm society with any power to enforce it, which would be likely to answer the purpose. But I am inclined to believe that no exercise of the civil power, however rigorous, would be half so effectual, as a knowledge generally circulated, that children were in future to depend solely for support upon their parents, and would be left only to casual charity if they were deserted." And again, "It may appear to be hard, that a mother and her children who had been guilty of no particular crime should suffer for the illconduct of the father;

* Hansard.

but this is one of the invariable laws of nature; and, knowing this, we should think twice upon the subject, and be very sure of the ground on which we go, before we presume *systematically* to counteract it."

Have we not here the foreshadowing of this new bastardy law?

We have already seen what the framers of this harsh measure professed to have in view in introducing it, namely, to *prevent* bastardy. The Lord Chancellor reiterated this during the discussion—"The question for your Lordships is one of expediency, namely, in what manner it is possible to legislate to *prevent* bastardy."

Lord Althorp, who had charge of the measure in the other house, based his support of it upon the strange plea, "that it was calculated to benefit the female population"—a statement which puzzled every body at the time, and has remained an enigma to this day. His Lordship's meaning, however, may perhaps be interpreted thus—"The penalties we impose upon women are very heavy; if we accomplish our purpose thereby, and *prevent* bastardy, they will be *benefitted* in not having these penalties inflicted upon them!"

The Utopian scheme of *preventing* bastardy was certainly at the bottom of it all. Has this been done?

In considering this part of the subject, it should be borne in mind that the Poor Law was passed in 1834, and the Act for Registering Births, &c. in 1837.

Mr. Rickman, in his observations on the Census of 1831, says:—

"The number and sex of illegitimate children born in the year 1830 formed part of the enquiry of 1831, and the laws regarding the maintenance of the poor, added to the facility of collecting facts which occurred in the preceding twelvemonth, tend very

much to establish the accuracy of the return. The total number in England and Wales was 20,039; of whom, males 10,147; females, 9,892."

The Registrar-General of Births, &c., speaking of the Returns for the year 1842, observes as follows :—

"The number of illegitimate children registered in 1842 amounted to 34,796; which is 14,757, or 74 per cent. more than the numbers in Mr. Rickman's return of 1830. The population increased only 17 per cent. in the 12 years. I am disposed to consider Mr. Rickmans's return as deficient to a much greater extent than they were supposed to be at the period of their publication, but, with a correction for the increase of population, the numbers in the abstract for 1842 would only have exceeded those in Mr. Rickman's returns for 1830 by 11,300 instead of 14,757. This difference may perhaps, among other causes, be ascribed to an actual increase in the proportion of illegitimate children during the operation of that important change in the Poor Law, which threw the charge of maintaining their illegitimate offspring upon the mothers. But to whatever cause the increase may be ascribed, the relative numbers of legitimate and illegitimate births and baptisms returned in 1830 and 1842, show in the latter year a relative as well as an absolute excess of illegitimate children."

It thus appears that, after the passing of the bastardy clauses of the New Poor Law, the birth of illegitimate children considerably increased, and, that in 1842, five years after the Registration Act came into operation, the number recorded was 34,796.

Taking the subsequently published statistics from the Registrar-General's reports every five years, from this date of 1842, the numbers stand thus—

	England and Wales.	Metropolis.
1847,	36,125	2,702
1852,	42,491	3,354
1857,	43,002	3,748
1862,	45,222	4,320

Now, I would ask, does this shew the fulfilment of the expectation held out at the passing of the act of 1834, that bastardy would be *prevented?*

But the above return of registered births do not even fairly represent the actual number. It is in truth only when these children are born in workhouses or lying-in hospitals that the record can be relied upon. Many women with illegitimate children pass themselves off as married women and their children as legitimate—many, on the other hand, do not register at all. I recently tested this, and found that of 165 cases falling under my own observation at the latter end of 1862, and the beginning of 1863, forty-nine had not registered. Taking these facts into account, I have no hesitation in stating my belief that, in England and Wales, there are at least 60,000 illegitimate children born every year. Now, supposing them all to live, there would be scattered over the country, in ten years, 600,000 unfortunate children, every one of whom the law mysteriously designates as *filius nullius!*

The next question is natural enough—What becomes of them?

It is true, that on visiting the cottages of the poor in the country, you now and then see, moping in the chimney corner, apart from the rest of the family, a spiritless little one, and, if you are curious, the cottage dame will confide to you the fact of its being a "love child!"—and in London, too, pious missionaries and lady visitors shrug their shoulders (too often) on witnessing similar miserable objects in the dens of the metropolis; but this only accounts for a *few*—what becomes of the *many?*

Dr. Bachoffner, of the vestry of St. Mary-le-bone, has let us into the secret of the destiny of a large portion of these poor children born in his parish, and it may readily be imagined that one London parish is but the sample of another.

He says that of 1109 illegitimate children in the rectory district of this extensive parish, 820 were born in the workhouse; of whom, 516 died—that is, 46 per cent; that in another district of the same parish there had been 145 births, and 87 deaths—or 53 per cent. In another, 223 births and 209 deaths—or 93 per cent. In another, 140 births and 129 deaths—or 87 per cent. In another, (which he terms a *moral* district) out of 40 births there were 36 deaths—or 96 per cent!

So that it is fair to compute, without exaggeration, that of every hundred children born out of wedlock in parish workhouses at least half die in infancy from neglect—that is, for want of such care and sustenance as the frail tenure of an infant's life imperatively calls for. I will illustrate this by a fact. Some time ago a gentleman resident in London had an infant left at the door of his house, and, having no desire to support other people's children, he sent it to the workhouse. "Ah!" said the parish crone, as the servant handed it in—"it's *sure* to die—they all die here: we feed them on our workhouse bread and that's enough!" and enough it was—for in less than a week the child was dead!

This is one way of disposing of illegitimate children. There is yet another:—

By a return of inquests held in 1862, it appears that of 3,239 children not more than a year old

859 were illegitimate; and that more than a sixth of the children on whom inquests were held were of that unfortunate class.

Surely we shall have no occasion in future to go to the days of Herod for a picture of "The Murder of the Innocents!" And yet we are told, that all this is as it should be; that these are "*the checks which Providence has imposed on licentiousness.*" On whose licentiousness? Not the child's, certainly:—not the father's, for he is all but free from the consequences. On the licentiousness of the mother! Amidst this maddening reflection, she has one consolation left, namely,—that the Saviour of the world was *not* a political economist!

The curious will no doubt desire to know who are the *mothers* of these ill-used little ones? On this subject it would perhaps be more charitable to be silent: but the truth must be told, or rather it may be *guessed* at, when I state that, according to the last census, there are in England and Wales no less than about one million of female servants, and nearly 300,000 dress-makers and milliners! Now, it is said that the desire of most women is to get married. If this is not applicable to *all*, it is certainly to the lower or *serving* class.

Every domestic servant wishes to emancipate herself from her position. Whatever others may think, she looks upon servitude only as a refined state of *slavery*. Her aspirations are therefore towards matrimony. She wishes to be "settled;" and, though the step she takes in this direction may in the opinion of others be the most *un*-settling of all her movements in life, you cannot bring *her* to think so. I have seen very

much of this class, and have tried to persuade many of them that a respectable servant in a respectable family, with good wages, was in a position much to be coveted, and far preferable to the miseries arising out of an improvident and inconsiderate marriage; but I have found them always ready to run the risk of this, and, having risked it, to abide by the consequences. Several years ago, I took an opportunity of testing this in the rural districts of Kent and Surrey, on having occasion to visit the wives and children of about 150 cottagers of the class of agricultural labourers, with wages never exceeding twelve shillings per week. I could not convince one of these women that she had made a mistake in leaving the luxuries of service for the hard fare of cottage life—consisting of meat, once a week, and, instead of beer, *weak tea* for her beverage morning, noon, and night, on which these poor cottagers suckle their numerous progeny!—There was not one of them who would have returned to her former position with all its comparative advantages, if she had had the opportunity. Burton, in his "Anatomy of Melancholy," attempts to account for this, whilst classing "servitude" and "*imprisonment*" together, as "causes of melancholy," and he assigns this reason for it:—"Though servants have all things convenient, sumptuous houses to their use, walks and gardens, delicious bowers, galleries, good fare and diet, and all things correspondent, yet they are not content, because they are confined, may not come and go at their pleasure, have and do what they will, but live alienâ quadrâ, at another man's table and command." However this may be, I believe it is a matter of record that, of

the various classes of individuals who comprise the inmates of lunatic asylums, servants, next to governesses, form the majority.

From what we have heard lately of the working life of milliners and dress-makers, who can wonder at *their* desire to better their condition!

It thus appears that, apart from all the other serving classes of females, there are no less than one million three hundred thousand dress makers and servants in England and Wales, looking to marriage as a relief to the difficulties and hardships of their condition, *real or imaginary*. This weakness (if weakness it be) is too well known to the seducer, and "*marriage*" therefore is the bait with which he entices and deludes his victim.

"Love," says Madame de Staël, "is no more than an episode in man's life, while it is the whole history of woman's."

Washington Irving amplifies this :—

"Man is the creature of interest and ambition. His nature leads him forth into the struggle and bustle of the world. Love is but the embellishment of his early life, or a song piped in the intervals of the acts. He seeks for fame, for fortune, for space in the world's thought and dominion over his fellow men. But a woman's whole life is a history of the affections. The heart is her world : it is there her ambition strives for empire ; it is there her avarice seeks for hidden treasures. She sends forth her sympathies on adventure ; she embarks her whole soul in the traffic of affection ; and, if shipwrecked, her case is hopeless—for it is a bankruptcy of the heart."

This characteristic susceptibility is also alluded to by the great interpreter of human nature, Shakspeare ;—

"Men have marble—women waxen—minds,
And therefore are they formed as marble will ;

The weak oppressed, the impression of strange kinds
Is formed in them by force, by fraud, or skill;
Then call them not the authors of their ill,
No more than wax shall be accounted evil
Wherein is stamped the semblance of a devil."

Nor can I omit the following sensible remarks from the *Westminster Review* some time ago, on this subject:—

"There is in the warm fond heart of woman a strange and sublime unselfishness, which men too commonly discover only to profit by,—a positive love of self-sacrifice,—an active (so to speak, an *aggressive*) desire to show their affection, by giving up to those who have won it something they hold very dear. It is an unreasoning and dangerous yearning of the spirit, precisely analogous to that which prompts the surrenders and self-tortures of the religious devotee. Both seek to prove their devotion to the idol they have enshrined, by casting down before his altar their richest and most cherished treasures. This is no romantic or over-coloured picture; those who deem it so have not known the better portion of the sex, or do not deserve to have known them."*

Upon every consideration, therefore, of woman, she is entitled to the sympathy and protection of man. Her physical weaknesses, her loving and trusting nature—all appeal to him for support; instead of which, these are too often made the medium of her ruin, particularly with the humbler and therefore less educated part of the female community.

I know it is the practice in these days to speak disparagingly of female servants. To run them down as "worse than they used to be." If they are so, whose fault is it? As a rule, it may be said, that women in humble life are, morally speaking, pretty much what men make them: "Evil communications corrupt good manners;"—if men can seduce women almost with impunity, some consequences *must* follow.

* Lucrece.

Hence it is alleged that the standard of morality in female servants is lower than it used to be. This might have been expected ;—morals are as much a matter of example with the lower as with the higher circles of society. If, for instance, the sovereign of a nation practices loose morality, the court of which he, or she, is the head, becomes corrupted, simply because of the influence which governs its members,—so it is with the community at large. If, therefore, the morals of servants are affected, compared with former times, it is because the times are changed, and servants have changed with them. There are other influences no doubt at work which have helped to disturb the character of servants as a class—there is less reciprocity between mistress and servant than of old. The age is in fact past, when mistresses took an interest in their servants beyond the work they expect to get out of them; and, on the other hand, by the aid of a little education, servants have discovered, I suppose, their value in the labour market, and become a more independent, though not perhaps a wiser, class of persons. There is an English saying that "good masters make good servants ;" but there is also an Italian proverb, that "a good servant makes a good master."—The fact is, what is excellent in both, arises out of a reliance on one another. A *faithful* servant is sure to meet with a kind and considerate master or mistress, that is, if the latter know their own interests. Why not both, therefore, strive to fulfil their obligations, seeing that the benefit is mutual ?

> "Heaven, forming each on other to depend,
> A master, or a servant, or a friend."—*Pope.*

When Prince Albert attended a public meeting of the Servants' Provident Society, he made this sensible appeal—

"Who would not feel the deepest interest in the welfare of their domestic servants? Whose heart would fail to sympathize with those who minister to us in all the wants of daily life, attend us in sickness, receive us upon our first appearance in this world, and even extend their cares to our mortal remains, who live under our roof, form our household, and are a part of our family?"

But are not masters and mistresses themselves often the proximate cause of the moral degradation of their servants?—*Opportunity*, whether for good or evil, is everything.—

"O opportunity! thy guilt is great:
Thou makest the vestal violate her oath;
Thou blow'st the fire when temperance is thawed;
Thou smother'st honesty, thou murder'st troth;
Thou foul abetter! thou notorious bawd!"*

When master and mistress leave a pretty housemaid and a profligate footman for weeks together in charge of their house in town, with nothing to do but to "make love," whilst they are enjoying themselves in the country, what can they expect but that "John's" *opportunity* will be "pretty Jane's" ruin? "Oh, but they ought to know better!" I know that: but would you (the master or mistress) place your own daughter in a similar position along with "a young gentleman" of her own age and station? Then again, when "Aunt Deborah" comes to tea and a game of cribbage, which she does once a week, handsome "Elizabeth," the parlour-maid, must, forsooth, go home with her at night to protect her,

* Shakspeare.

whereas "Aunt Deborah" really requires less protection than handsome "Elizabeth" herself. That journey, however short, has laid the foundation of "Elizabeth's" downfall:—in her homeward walk she has met with one of those plausible scoundrels who are always lurking about at night seeking whom they may betray;—

> "With tract oblique
> At first, as one who sought access, but fear'd
> To interrupt, side-long he works his way."

Appointment after appointment takes place, and then, by degrees, availing himself of his "opportunity," (which is all he seeks)—she's undone!

This and such-like opportunities are the path-ways which lead to the precipice.

I have often thought that, if one of the *Tract Societies* would devote itself to the enlightenment of servant girls upon the various artifices resorted to by men for betraying them, they would be laying a better foundation than at present exists with this class, for the exalted objects which such societies have more immediately in view. "If," wrote a servant girl of eighteen to me a short time ago, "if I had known as much of the wickedness of the world as I do now, I never should have seen this trouble." *

It has, however, been said, that many young women fall into "this trouble," far too easily; and I am afraid it is so. Why? Is it in the world, as

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* Vice is always going on in different forms in London, and it is impossible, perhaps, for the authorities to provide for every evil as it arises; but it is to be lamented that there should exist so many inducements and enticements for the overthrow of young females. There is one source of evil, which ought to be looked to—I mean the "coffee shops." One half of these places are nothing better than houses for immoral accommodation, and are the more dangerous because unsuspected.

in the parable, that out of ten virgins, "five of them are foolish?" When Satan, (that great discerner of character) resolved to mar the purposes of the Almighty at the creation, he chose the instrument best adapted to his purpose—he avoided the man, and tracked the footsteps of the woman—

> "Then let me not let pass
> Occasion which now smiles; behold alone
> The woman, opportune to all attempts;
> Her husband, for I view far round, not nigh,
> Whose higher intellectual more I shun,
> And strength, of courage haughty, and of limb
> Heroick built, though of terrestrial mould."—*Milton.*

So with respect to the satanic tempter of these days—he chooses her for his victim whose intellect points her out as the readiest instrument of his lust. The young, the well favoured, the uneducated, and the weak-minded are the special objects of the libertine's designs. Think you, the poor deluded insect, which finds its way into the room where there is a lighted candle, knows of the fate which awaits it? So it is with these foolish girls, who are decoyed by the lights put forth to attract them, by their betrayers. But because they are ignorant and "foolish," is his conduct the less dastardly and base? If I rob my neighbour, am I the less a thief because he foolishly placed confidence in me by leaving his money within my reach?

The fraudulent character of these transactions is clearly put by Paley, in his "Moral and Political Philosophy:"—

"The *seducer* practises the same stratagems to draw a woman's person into his power, that a *swindler* does to get possession of

your goods or money; yet the *law of honour*, which abhors deceit, applauds the address of a successful intrigue: so much is this capricious rule guided by names, and with such facility does it accommodate itself to the pleasures and conveniency of higher life!

"Seduction is seldom accomplished without fraud; and the fraud is by so much more criminal than other frauds, as the injury effected by it is greater, continues longer, and less admits of reparation.

"This injury is threefold; to the woman, to her family, and to the public.

"I.—1. The injury to the woman is made up of the *pain* she suffers from shame, or the *loss* she sustains in her reputation and prospects of marriage, and of the *deprivation of her moral principle.*

"This *pain* must be extreme, if we may judge of it from those barbarous endeavours to conceal their disgrace, to which women, under such circumstances, sometimes have recourse; comparing also this barbarity with their passionate fondness for their offspring in other cases. Nothing but an agony of mind the most insupportable can induce a woman to forget her nature, and the pity which even a stranger would show to a helpless and imploring infant. It is true, that all are not urged to this extremity; but if *any* are, it affords an indication of how much all suffer from the same cause. What shall we say to the authors of such mischief?

"2. The *loss* which a woman sustains by the ruin of her reputation, almost exceeds computation. Every person's happiness depends in part upon the respect and reception which they meet with in the world; and it is no inconsiderable mortification, even to the firmest tempers, to be rejected from the society of their equals, or received there with neglect and disdain. But this is not all, nor the worst. By a rule of life, which it is not easy to blame, and which it is impossible to alter, a woman loses with her chastity the chance of marrying at all, or in any manner equal to the hopes she had been accustomed to entertain. Now marriage, whatever it be to a man, is that from which every woman expects her chief happiness. And this is still more true in low life, of which condition the women are who are most exposed to solicitations of this sort. Add to this that, where a woman's maintenance depends upon her character, (as it does, in a great measure, with those who are to support themselves by service,) little sometimes is left to the forsaken sufferer, but to starve for want of employment, or to have recourse to prostitution for food and raiment.

"3. As a woman collects her virtue into this point, the loss of her chastity is generally the *destruction of her moral principle;* and this consequence is to be apprehended, whether the criminal intercourse be discovered or not.

"II. The injury to the family may be understood, by the application of that infallible rule, 'of doing to others what *we would* that others should do unto us.' Let a father or a brother say, for what consideration they would suffer this injury to a daughter or a sister; and whether any, or even a total loss, of fortune could create equal affliction and distress. And, when they reflect upon this, let them distinguish, if they can, between a robbery committed upon their property by fraud or forgery, and the ruin of their happiness by the treachery of a seducer.

"III. The public at large lose the benefit of the woman's service in her proper place and destination, as a wife and parent. This to the whole community, may be little; but it is often more than all the good which the seducer does to the community can recompense. Moreover, prostitution is supplied by seduction; and, in proportion to the danger there is of a woman's betaking herself, after her first sacrifice, to a life of public lewdness, the seducer is answerable for the multiplied evils to which his crime gives birth.

"Upon the whole, if we pursue the effects of seduction through the complicated misery which it occasions; and if it be right to estimate crimes by the mischief they knowingly produce, it will appear something more than mere invective to assert that not one half of the crimes, for which men suffer death by the laws of England, are so flagitious as this."

There is yet another reason why every allowance and compassionate consideration should be made for the humbler portion of the female community when they fall into "this trouble;" and this arises out of their early training and associations. A "modest" deportment in female servants is an essential part of their character; without it, their personal value in the estimation of those who employ them is considerably lessened. To some extent, this quality may be innate in females, but even the "modesty of *nature*," (like her wild flowers) requires cultivation.

This can only be done by early training, without which, modesty degenerates into its opposite. Now, looking to the wretched dwellings of the poor, whether in town or country, (for which the poor themselves are *not* answerable) I would ask whether the swine-like manner in which they are huddled together in the homes of their parents has not a tendency (apart from the sanitary question) to brutalize, instead of civilizing their natures, and, in the case of young females to lay that foundation for an immodest freedom with the other sex, which in the end leads to their downfall.

In a report recently published,* numerous instances are given of the state of the habitations of the poor in agricultural districts, of which the following are examples, viz. :—

1. "In one instance I found a small bedroom occupied by a young man, aged 17 years, sleeping in the same bed on the floor with his sister, aged 18 years.

2. "A man, his wife, and seven children occupy a small place not large enough to be called a room, being, in fact, the space between the ceiling and the roof. Here we find the man, his wife, a daughter aged 20 years; girl, 16; boy, 13; girl, 11; boy, 8; a girl, 6; and a girl, 3.

3. "There is a small lean-to bedroom, used as a sleeping room for seven children of the following ages: girl, 19; boy, 17; girl, 15; girl, 11; boy, 10; boy, 5; girl, one year.

4. "Overcrowded bedrooms occupied by a man and his wife, who have 13 children; ten are now at home. I found in one room two stump bedsteads without any curtains, in which six of the children sleep, of the following ages:—daughter, 22; daughter, 16; son, 20; son, 12; there was also an addition to this number a short time since of another daughter, aged 18 years.

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* *The Times*, Sept. 1863.

5. "A dilapidated cottage, with one bedroom, which is neither wind nor water tight, occupied by a man, his wife, and four children—son, 21 ; daughter, 23.

6. "Bedroom in false ceiling unsafe, occupied by a man, his wife, and six children :—daughter, 22 ; son, 18 ; daughter, 17.

7. "A cottage occupied by a man, his wife, and four children of the following ages :—daughter, 23 ; son, 26 ; son, 20 ; boy, 11.

8. "One bedroom, occupied by a woman and her son, aged 30; daughter, 25 ; daughter, 21.

So much for the habitations of the poor in the *country*. Of those in *town* we have the detailed statement of a gentleman, who has taken considerable pains to ascertain the truth ; and he arrives at this conclusion :—

"Setting aside the criminal population of London, and that small number of the London industrious poor who struggle against the degrading influences of the neighbourhoods in which they are mostly compelled to live, we shall find at least one-third of our three millions of human beings in the metropolis housed in filthy, ill-constructed courts and alleys, or crowding in unwholesome layers, one over the other, in old houses and confined rooms. The life they lead, daily and hourly, is full of debasing lessons. Decency is lost where large families of all ages and of both sexes are accustomed to live in one apartment, and habits are engendered which last for generations."*

From such moral training what can be expected ? And yet these are some of the nurseries of our female servants ! With such a poor sense of the decencies of life, and of its proprieties in relation to the sexes, can we wonder that the humbler classes so frequently fall ?

"The chariest maid is prodigal enough,
If she unmask her beauty to the moon."

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* Ragged London in 1861, by John Hollingshead.

The superstructure of vice is built on this foundation, and who is to blame for it?

Let the rich, and those with whom Providence has lodged the power, answer this. To complain of the immorality of the lower orders, whilst these avenues to vice are left open, is hardly fair. The poor indeed have claims, besides those of compassion, on the wealthy, for it is from this class that some of their worst troubles arise. Many a poor family has been thrown off its moral balance by the inroad of a vicious scion of a house far above them. Is there nothing learnt at public schools by the youth of this class, but Greek and Latin?—nothing that they acquire from one another, or from menials of their own sex, and bring away with them into the world, and apply to the prejudice of the morals of the serving classes of females? The boy is innocent enough, no doubt, when he leaves his father's home; but time goes on, and he returns to it a libertine at heart, and like the rest, only waits his "opportunity." Shall we follow him further? His youth is succeeded by manhood, and manhood by old age, and then, having outlived his passions, he thinks it *virtuous*, perhaps, to turn up his nose at the poor victim of seduction.

It is well for us men when the loss of memory precedes the decay of our other faculties, or our consciences would give us many a twinge. Look at the relative circumstances of female servants, and those who employ them. With what jealousy and anxiety the mistress of a family watches over and guards the honour of her *daughters*, but the honour of a *servant* is never thought of till it is *lost*, and then, too often, she is turned into the streets after it.

"Offences will come," do what we may, and we must not expect too much from human means; but there are things that can be done to mitigate evils, and I think it has been shewn that evils do exist, and are increasing, aided and encouraged by unwise legislation. The question yet remains to be considered, whether it is possible to mitigate these evils, or to provide for the "consequences," otherwise than by legislative or governmental authority. My own opinion is that it is *not*, to any appreciable extent; but as there are others who think differently, let them speak for themselves.

In a pamphlet now before me, headed "*Infanticide*," the writer makes the following suggestions, namely—

"If we would prevent such tragedies, the frequency of which is a national disgrace, we must provide a sufficient number of lying-in hospitals, as different as possible from our workhouses, where poor girls—and why not rich ones too?—may receive that help so needful to them during their trial, without running the risk of exposure and publicity."

"As essential as lying-in hospitals are foundling hospitals, conducted on a liberal scale, and easily accessible to all. Without resorting to the extreme measure of having *tours* attached to these foundling hospitals, into which any one can put a child with the certainty of its being well taken care of, the admissions to these hospitals should be so easy as not to deter the shrinking, shamefaced mother from having recourse to them. In fact, we would confer the *right* to such admission, where it could be shown that the mother was not in a position to take proper care of her infant."

Reference is then made to foreign countries as examples in the formation of such Institutions in England.

Now, I may say at once, that this reference to foreign countries as examples to us in this matter is a *mistake*. In foreign countries there are no Institu-

tions analagous to our "Poor Laws," which ostensibly embrace (whether ill or well done is not now the question,) the nurturing of poor children as well as the relief of all kinds of destitution. Every Union or Workhouse in England is quite as much a Foundling Hospital as any of those in foreign countries—I mean, of course, in relation to exposed or deserted children.

The object of the benevolent individuals who make these propositions is most laudable, namely, *The saving of Infant life.* Is it not fair, therefore, to enquire whether this description of charity has hitherto been found to accomplish so desirable an end?

In Dr. Routh's admirable work on Infants and Infant-feeding, he furnishes us with the following Table :—

Mortality in Foundling Hospitals in different parts of the world :

Dublin	91	per cent.	Period:
Marseilles	90	„	Close of last Century.
St. Petersburgh	40	„	
Florence	40	„	
Barcelona	60	„	
Paris	80	„	
All France	60	„	1820
„	75	„	1818
Dublin	48.7	„	1750-60
Paris	50	„	1838
Mean	63.4		

What says Malthus of these establishments in *Russia?*—

"The surprising mortality which takes place at the two foundling hospitals of Petersburgh and Moscow, which are managed in the best possible manner, as all who have seen them with one consent assert, appears to me incontrovertibly to prove, that the nature of

these Institutions is not calculated to answer the immediate end that they have in view; which I conceive to be the preservation of a certain number of citizens of the state, which might otherwise perhaps perish from poverty or false shame. It is not to be doubted that, if the children received into these hospitals had been left to the management of their parents, taking the chance of all the difficulties in which they might be involved, a much greater proportion of them would have reached the age of manhood, and have become useful members of the state."

In the "Life of Elizabeth Fry," it is related :—

"Two days afterwards, the same party went to the Hospital des Enfans Trouvés, Paris. This monument of St. Vincent de Paul is an affecting sight, from the miserable state of the wretched infants, *and the fearful mortality that prevails among them.* Their sufferings must be greatly increased by the unnatural practice of swaddling, from which thraldom they are only unloosed, for any purpose, once in twelve hours; the sound in the ward Mrs. Fry compared to the bleating, faint, and pitiful, of a flock of young lambs. A lady who not unfrequently visited the institution said that she never remembered examining the long array of clean white cots that lined the walls, without finding one or more dead."

In *Spain*, things are much the same.

"We next visited La Cuna, or the Foundling Hospital, containing 500 unfortunate children. On entering the Patio we heard a distant sound, as of innumerable litters of puppies whining. On nearer approach it turned into a deafening and piteous wail of helpless infants. They all seemed to want to be nursed at the same time—and it is very possible they did so—seeing that only one wet-nurse is allowed for three or four infants. The long ward was divided down the centre by two rows of stone pillars. At each side of these in a double row, were placed cradles on stands, each containing an infant. The bedding was clean, and a muslin curtain thrown over the crib to protect the infant from the mosquitoes. It was piteous to hear the continued wail. We raised the muslin curtains of several of the cribs. The pinched up features of the sleeping and restless tossing of the crying were most painful to see and hear. These infants were from three to ten days old."

The *Portugese* Hospital at Oporto is a fair specimen of the inherent difficulties in the management of such establishments. The physician of that Hospital wrote in 1848 a very interesting account of them, from which I am enabled to give a few extracts.

"The philanthropic establishment for exposed children has far exceeded the pious object of its foundation, having degenerated into a mere vehicle of scandle and demoralization. Economists and Statesmen in those countries where similar institutions exist, with the fact of the increase in the number of foundlings, have during the last half-century foreseen great embarrassment on the subject.

"The progressive increase of children exposed in the Oporto wheel is frightful, and leads to the opinion almost universally entertained at the present day—that the increase in the number of foundlings exposed arises from the establishments brought into existence on their behalf, as a natural result in the weakness of human institutions, as evil always keeps pace with good.

"But immorality has long broken down all barriers of decency and shame. In the most bare-faced manner, at all hours of the day, the little creatures are now deposited here; beyond even this, many are of well-known parents, deposited by individuals who make a mercenary profession of the same, turning the establishment into the theatre of an unworthy traffic, replete with most disgraceful abuses.

"In spite of all the hygienic improvements, as well as with the medical staff, *the degree of mortality is most frightful in this hospital.*"

But what occasion have we to go to Foreign Countries for results, the scheme has been tried in England and failed.

In 1739 a Foundling Hospital was established in London, which, however, did not come into full operation till 1756, and then only upon the responsibility of Parliament. Although the sequel is well known it may be useful to give a few particulars.

"In the first year of this indiscriminate admission, the number

received was 3,296 ; in the second year, 4,085 ; in the third, 4,229; and during less than ten months of the fourth year (after which the system of indiscriminate reception was abolished), 3,324. Thus, in this short period, no less than 14,934 infants were cast on the compassionate protection of the public ! It necessarily became a question how the lives of this army of infants could be best preserved ; and the Governors, not being able to settle this point among themselves, addressed certain queries to the College of Physicians, which were promptly answered, by recommending a course of treatment consonant with nature and common sense ! Children, deprived as these were of their natural aliment, required more than usual watchfulness ; and although, on a small scale, the providing a given number of healthy wet-nurses, as substitutes for the mothers of infants, would have been an easy task, yet, when they arrived in numbers so considerable, the Governors found that the object they had in view must necessarily fail from its very magnitude.

"It has been truly said, that the frail tenure by which an infant holds its life, will not allow of a remitted attention even for a few hours : who, therefore, will be surprised, after hearing under what circumstances most of these poor children were left at the Hospital gate, that, instead of being a protection to the living, the institution became as it were, a charnel-house for the dead ! It is a notorious fact, that many of the infants received at the gate, did not live to be carried into the wards of the building ; and from the impossibility of procuring a sufficient number of proper nurses, the emaciated and diseased state in which many of these children were brought to the Hospital, and the malconduct of some of those to whose care they were committed (notwithstanding these nurses were under the superintendence of certain ladies—sisters of charity,) the deaths amongst them were so frequent, that of the 14,934 received, only 4,400 lived to be apprenticed out, being a mortality of more than seventy per cent ! Thus was the institution (conducted on a plan so wild and chimerical, and so widely differing from its original design), found to be diseased in its very vitals. The avowed object of saving life was frustrated by a variety of contingent circumstances ; and the permanent and two-fold benefit of which it was intended to have been the instrument, under the regulations contemplated by the Founder, was set aside by a system of fraud and abuse, which entailed on the public an immense annual expenditure, without even *one* good result. To

establish a market for *vice* to carry on her profligate trade without let or hindrance; to arrest the first step towards repentance of one yet in the infancy of crime, by pointing out the way in which she might perpetuate her guilt with impunity; to break the beautiful chain of the affections which characterizes mankind as social beings, by giving a general license to parents to desert their offspring, upon the barbarous plea that they cannot easily maintain them; to wink as it were, at fraud, by showing how designing persons might dispose of children entrusted to their guardianship, and prevent a discovery of their guilty acts: these were some of the evils which were realized in the early proceedings of the Governors, for want of attention to the cautionary suggestions of the Founder, to "take due and proper care in setting on foot so necessary an establishment.

"But the state of things described could not possibly last long, except in a community lost to all decency and order. No sooner, therefore, did those who had promoted a system fraught with so much mischief, discover the error they had committed, than they wished to retrace their steps: the moralist enlisted his pen in a cause which he found was endangered by its continuance; and mercy stepped forward to arrest the destroying hand of death, to whose vengeance so many infants had been doomed, under the sanction of this unwise administration of the charity: and at length, Parliament, which by its inadvertence had promoted the evil, annulled its sanction thereto, by declaring—*That the indiscriminate admission of all children under a certain age into the Hospital, had been attended with many evil consequences, and that it be discontinued.*"*

The total expense to the nation of this short-lived scheme was £500,000.

Although the details of this London Hospital are appalling enough, the account given of the Dublin Foundling Hospital, at a later period, greatly surpasses them:—

"Of 12,641 children received in six years, ending the 24th of June, 1796, so many as 9,804 had died; 2,692 were unaccounted

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* Brownlow's History.

for, and only 145 were to be traced. In the infirmary the mortality had been still more shocking. Of 5,216 children sent into the infirmary in those six years, three individuals only came out of the walls alive. These facts were ascertained on the oaths of the culprits themselves, and were occasioned partly by gross negligence, and partly by the radical defect of the system of a general admission of this nature, which has a direct and uncontrollable tendency to encourage the vice, and increase the mortality of our species."

In connection with the London Hospital, we are told that when Capt. Coram resided at Rotherhithe in 1720, his avocations obliging him to go early into the city and return late, he frequently saw infants exposed and deserted in the public streets, and that in consequence of this he originated the Hospital in question. Now I would ask any one, who is in the habit of "going early into the city and returning late," or indeed to any other part of the kingdom, whether in these days he ever witnesses such outrages upon humanity as this exposure of children? It is, therefore, clear that the evil which led to the institution of a Foundling Hospital about 120 years ago, no longer exists.

But it may be asked, "why then do you still tolerate a *Foundling Hospital*, now existing in the metropolis?" Lord Brougham answered this question some years ago, and no better answer can be given now.

"Machiavel says, that in political affairs, you should beware lest, in changing the name, you alter the thing, without intending it: but he also says, that it is sometimes good, when you should change the thing, to keep the name. This maxim has been fully acted upon in the case of the London Foundling Hospital, and I have seen the bad consequence of following the Machiavelian rule. When lately in France I made war on Foundling Hospitals, and I found a formidable host of prejudices embodied in their defence —a host the more dangerous, that they had been enlisted in the

service by the purest feelings of benevolence; those persons I found citing against me the supposed fact, that we have, in this metropolis, a Foundling Hospital. My simple answer was, that the name alone has been for half a century known amongst us, the the thing itself having long since been put down with consent of Parliament."

The same noble lord, in a letter to Sir Saml. Romilly on charities, says of this Hospital,—

"No one can blame the total change of the plan, which for the last sixty years has been made, with whatever view, by adopting the rule to admit no child whose mother does not appear to be examined."

So that the managers of the Hospital have at least very high authority for their present course of action. Every tree is known by its fruit, by whatever name that fruit may be called.

Of the *fruit* of this Charitable tree, there was no better judge than the celebrated Sydney Smith,* who,

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* This able writer, when a country clergyman, wrote some homely advice to his parishioners, of which the following is a sample:—"My dear little Nanny, don't believe a word he says. He merely means to ruin and deceive you. You have a plain answer to give: 'When I am axed in the church, and the parson has read the service, and all about it is written down in the book, then I will listen to your nonsense, and not before.' Am not I a justice of the peace, and have not I a hundred foolish girls brought before me, who have all come with the same story? 'Please your worship, he is a false man; he promised me marriage over and over again.' I confess I have often wished for the power of hanging these rural lovers. But what use is my wishing? All that can be done with the villain is to make him pay half-a-crown a week, and you are handed over to the poor house, and to infamy. Will no example teach you? Look to Mary Willet,—three years ago the handsomest and best girl in the village, now a slattern in the poor house! Look at Harriet Dobson, who trusted to the promises of James Harefield's son, and, after being abandoned by him, went away in despair with a party of soldiers! How can you be such a fool as to surrender your character to the stupid flattery of a ploughboy? If the evening is pleasant, and birds sing, and flowers bloom, is that any reason why you are to forget God's Word, the happiness of your family, and your own character? A profligate carpenter, or a debauched watchmaker, may gain business from their skill; but how is a profligate woman to gain her bread? Who will receive *her*?"

as one of its clerical officers, worked in this vineyard. Upon this subject he leaves this record :—

"A very unfounded idea exists in the minds of some men little acquainted with the principles on which we proceed, that the doors of this Hospital are flung open to the promiscuous reception of infants, and that every mother can here find an asylum for her offspring, whatever be her pretensions as a virtuous mother, an indigent mother, or a mother striving by every exertion of industry to give to her children creditable support. These things are not so; no child drinks of our cup or eats of our bread, whose reception, upon the whole, we are not certain to be more conducive than pernicious to the interests of religion and good morals. We hear no mother whom it would not be merciless and shocking to turn away. We exercise the trust reposed in us with a trembling and sensitive conscience; we do not think it enough to say, This woman is wretched, and betrayed, and forsaken; but we calmly reflect if it be expedient that her tears should be dried up, her loneliness sheltered, and all her wants receive the ministration of charity. The object has uniformly been to distinguish between hardened guilt and the first taint of vice: by sheltering and protecting once, to reclaim for ever after, and not to doom to eternal infamy for one single stain of guilt. The mothers whom we relieve have been too often ruined by systematic profligacy, by men, the only object and occupation of whose life it is to discover innocence and to betray it. And this is not all; to the cruelty of seduction is generally added the baseness of abandoning its object; of leaving to perish, in rags and in hunger, a miserable woman, bribed by promises and oaths of eternal protection and regard. But whatever be the crimes of the parents, and whatever views different individuals may take of the relief extended to them, there is no man who thinks that the children should perish for their crimes, or that those shall be doomed to suffering and misery who can have committed no fault. Therefore, this part of the Institution is as free from the shadow of blame as every other part is free from the reality. Remember then, that this is not a vast Hospital where the cries of death and the agonies of wounds must be endured; we are not called upon to gain the mastery over stubborn and hardened vice, or to descend into the depths of prisons, to the oppressed and languishing debtor; but to feed and clothe young children, to enjoy the spectacle of their security and their comfort,

and to guard from sorrow the morning of their lives. There is no spot in the whole world where there is more innocence, and peace, and happiness, than within these walls. These little children have never known a mother's care, but they have never wanted it. Ask of them all if they have ever been neglected in sickness, ever unkindly treated in health, ever been forgotten or forsaken for one individual moment since their first entrance within these precincts. No mother could have cherished them better and watched over them more; we know if they are forsaken by us, they have no human creature to look to for support, and we have always felt that tie of dependence is the strongest that binds the human heart. This is a good work done to mankind, and God loves it and protects it: to take into our arms these forsaken children, to teach them order, to inure them to wholesome discipline, to rear them up in the love of industry, and with the fear of God in every word and in every action. We have stifled innumerable crimes, prevented a thousand shocking atrocities, and smothered the very first seeds and rudiments of guilt."

Any Institution that takes up in proportion to its means (as this does) those cases of "much hardship and cruelty," which the framers of the present bastardy law contemplated,* but left unprovided for, cannot surely be wrong, unless godliness and charity have been wholly superseded by political economy.

There is, however, a class of persons who object to these Institutions altogether. Whilst you are encouraging "virtue," by shewing to the really repentant how she may enjoy the happiness and advantages of a good name, after having tasted the bitter consequences of losing it, they will have it that you are furthering the interests of "vice," and they tell you that there is but one kind of charity free from this,—namely, that

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* The year before the passing of the new Poor Law, the applications to this Hospital amounted to 60. Last year to 231! The number of children maintained is nearly 500.

which administers to physical disease, forgetting that one half of these very diseases originate, in some form or other, from that "vice" which they so much deprecate. Take the drunkard for instance: we do not refuse to receive him into our public hospitals because he brought the disease with which he is afflicted upon himself. We wish to restore him that he may live, and live a better life. What is the case of the deluded female, but that of moral *intoxication*, the poison not being the less potent because it is administered by the hand of another, and that other, the individual in whom she had learnt to place all her worldly trust and confidence. Why desire the drunkard to live and this wretched one to perish? Is it that they have discovered a *principle* in the old adage which sends *"the weakest to the wall"?* Oh, that the Malthusians would but learn a lesson from Uncle Toby!

"I'll not hurt thee, says my uncle Toby, rising from his chair and going across the room, with the fly in his hand; I'll not hurt a hair of thy head; go, says he, lifting up the sash, and opening his hand as he spoke, to let it escape: go, poor devil, get thee gone, why should I hurt thee? This world, surely, is wide enough to hold both thee and me."

Foundling Hospitals then, I conceive, in their enlarged sense, clearly do not accomplish the object for which they are instituted, namely, *the preservation of infant life.* It is only when they are brought within the limits of a wise and judicious economy (as in the case of the present London Foundling Hospital, where the true spirit of such institutions is preserved) that they accomplish any really good purpose. It becomes therefore a question whether, apart from such estab-

lishments, there are any other means of coping with existing evils.

I confess I am not disposed to entertain any *convulsive* feelings or opinions on this question. It is not to be met effectually in this manner. A plain common sense view of it is all that is required, and a departure from this has done much mischief. You can no more "prevent" infanticide than you can "prevent" bastardy; but you may perhaps lessen both by judicious management. In charity and in fact, infanticide originates in mental derangement, arising out of a combination of overpowering and distressing circumstances. This derangement is not confined to mothers of illegitimate children. How often is the "Isle frighted from its propriety," by cases of women destroying their children *born in wedlock.* The difficulties which prompt the latter, differ from the first in kind and degree, but the foundation is the same, namely,—*unmitigated anguish acting upon a morbid or over-wrought mind.*

"Could we pourtray" says an eloquent divine,* "a mother's sufferings before she resolves to forsake her child, what forms of agony should we not exhibit! She is herself deserted first, and finds herself the victim of *treachery and voluptuousness,* where she fondly hoped to be the object of *pure and individual love.* At a time when the languor of the body and the growing anxiety of the mind powerfully claim, and, in general receive, additional tenderness, she is obliged to endure the severest affliction, that fear could imagine, or unkindness produce. This alone, you will admit, is distressing enough; but to this is added the loss of honour, that can never be retrieved, a sense of shame, and a dread of infamy, which none but a woman, and a woman thus degraded, can ever feel. These are her present sufferings: if she looks forward into futurity, poverty and hunger pursue her; or, at least, her melancholy lot is daily to eat the bread of affliction, and to drink the tears of remorse."

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* Rev. John Hewlett.

There is an episode bearing upon this subject, in a work recently published.* The mother is re-calling some of the scenes of her past life, in which she says :—

"I could not bear to look upon my child, its baby fingers burned me, its innocent eyes killed me; I tried to destroy it, and they put me into an asylum,—I suppose I was mad, but I don't know. I think I was there a long time, and when I came out they told me my child was gone—dead; Janet, I was so glad. I could not endure to look upon her. I hope she will know me in heaven. I laughed and said it were better so. They thought I was mad still; but it was only because I loved her so much! Can you understand that, Janet? Think what it is for a mother to give a child life that is worse than death, a life that can never be anything else than a stain to her!"

This is the feeling in all such cases : lessen them, and you lessen "infanticide." How is this to be done?

To get rid of an error, you must trace it to its source. There is a *beginning* of evil, as well as of everything else. It is not denied that, in cases of seduction, man takes the initiative—that he is the *bona fide* seducer. I speak of course, of a woman's first fall into vice. If she walk in this crooked path afterwards, from her own evil disposition, she may be pitied; but her's is not the case we are contemplating—a line must be drawn between the evil and the good *here* as well as hereafter. I say, therefore, that if a man misleads an innocent female from the right path into one of crime and misery, he should be made to pay for the consequences of his act by every process of law, and that the law should not oppose itself as a barrier to his punishment, (as at present) but assist in its infliction. *The object should be to get at the seducer.* Let this be honestly

* St. Olave.

done and, although you will not (as I have said) *prevent* bastardy and infanticide, you will very much lessen the amount of *both*. I feel satisfied that the cases of infanticide, as a rule, originate with youthful mothers, *bearing children for the first time*. Consequently, if you afford to this class every facility for affiliating their children, you make their cases less *hopeless*, and thereby administer to them the only medicine their miserable condition requires.

When a young woman gives birth to a child *for the first time*, (which is always capable of proof,) and produces evidence of her association with the reputed father, and of the previous respectability of her life and character,—why not fix the paternity where she places it, just as you give credence to a witness on his oath when his veracity is unimpeachable, whatever conse quences may ensue to the party affected by it?

How many cases are there at present, which come before the local magistrates in which, not only they, but all connected with the police courts, are morally satisfied with the justice of the appeal of the female, but who are obliged to refuse her claim because that legal bug-bear, *corroborative evidence*, has robbed them of their discretion. In fact, to talk of corroborative evidence in such cases is an insult and a farce. The man who commits one act of villainy will not fail to consummate it by another—namely, cunningly to elude all clue to his detection.

The suggestion I make is, I admit, a revival of the old law; but it is a revival with *securities*, which the old law had not, and which on that account led to abuse. And why should there *not* be a revival of the old law, the *new* having utterly failed? We have seen

that even by its promoters, it was called a "bold measure;" and "bold measures" are always speculative and hazardous, and so this has proved.—It was in fact a *revolutionary* measure, and, like some other revolutions, it has disappointed its promoters. An *experiment* has been tried and found wanting. "The object of law is not to punish, but to *prevent;* and if the existing law does not *prevent*, as is too clear, it must not be maintained against its proper design, with a view to punishment, still less must it be maintained if it acts as an incentive."*

These are the words of the framers of the new Bastardy Law and the foundation of the enactment: all I ask of them now is to apply it *properly*,—that is, in the opposite direction to the enactment, in favour of the *weak* against the *strong*. Let Parliament therefore fall back on the wisdom of those sages who instituted the old Bastardy Law, as the only sensible solution of a difficult problem; but in doing this, let us take a common sense course of action,—in plain English, do that as a community which we would do as humane individuals. If a really benevolent master and mistress had a faithful servant who had, for the first time, departed from the right path by the misguiding and treachery of another, would they leave her to her misery, without hope or help? No! they would say to her, "Your conduct has hitherto been all we could desire, and we will not now desert you in your utmost need; but remember that, should you be tempted to err again in the same manner, you will be left to the consequences, without that commis-

* See page 4.

eration your case may now obtain." This is a lesson to a paternal government and to paternal governors. Let them follow it, and bastardy and infanticide will, in my opinion, be considerably diminished. But there is something else to be said on this subject.

Under the present Poor Law, it is pretended that a woman seduced may affiliate her child by appealing to the magistrate of the district; but, unless she can produce corroborative evidence against the putative father of it, she fails in her suit, and this happens in nine cases out of ten. Then, supposing she really succeeds, the utmost a magistrate can award her is a weekly sum of two shillings and sixpence, which is obviously insufficient for the child's support, and which she must get from the father how she can! It is possible she may, by extraordinary perseverance, secure the payment for a month; he then manages to elude her altogether, and she, tired out, sits down to misery and destitution. Justice she cannot get, for justice costs money; her friends have deserted her, and the legislature has stepped in between her and the parish officers, by imposing a penalty upon the latter should they attempt to find a father for her child. The world is indeed against her, and the world's law!

When Parliament commits an error in legislation, it is astonishing what mischief is done before it can retrace its steps. An individual taking a wrong path may turn round at once and right himself; but Parliament, with its unwieldy body, its many-jointed tail, and the load of dignity at its back, moves at so slow a pace, that an era of evil arises out of its acts before it can return to the point from whence it set out. Thus it has been, and will continue to be (I suppose,)

with these Bastardy clauses of the new Poor Law. When the lower classes of the community shall have become thoroughly demoralized, the legislature will then perhaps begin to open its eyes, and see more clearly the error it has committed.

It appeared, by a return at the time of or soon after, the passing of the new Poor Law Act, that there were between three and four thousand young women, with illegitimate children, incarcerated (as it were) in workhouses or unions, who were *not* "dissolute" or of "abandoned" habits, but who were there of necessity, because they could not find support for their children out of those walls. This number was distinguished from another class, who were both dissolute and abandoned. Has not this state of things increased since that return was made?

If a girl (and my sympathy is with the young in these matters) being seduced has a child which she cannot maintain because of the conduct of its father, she must either obtain support for it by a life of profligacy, or seek relief from the parish. She prefers the latter course, and that she *does* so ought to be received as evidence of the virtue yet remaining in her, and a reason for obtaining for her something like sympathy; but no—she is drily told that, if she wants relief, she must enter the workhouse with her child, for only in this way can relief be afforded to her. And this is not all. After her confinement, should she remain in the "House," (and she can only leave it to lead a life perhaps of degradation) she is transferred to the same department with the dissolute and depraved, with whom she must necessarily associate, with the chance of falling lower in the scale of morality. If this state

of existence be too much for her, if her mind succumbs under it, she leaves in despair; and then we read of a dead child being found, and an inquest being held! And all this evil might, in my opinion, be mitigated by a wiser and more humane policy. For instance, when a young woman, unmistakably abandoned by the father* of her child, is compelled to throw herself upon the Union, and the authorities are assured of her previous respectability and present sense of shame, why not allow her to seek a situation, and, having obtained one, to leave her child with them, taking the best guarantee they can obtain that she will contribute to its support out of her wages. This, in the end, would be much less expensive to the parish, and the parochial system would be none the worse administered for being mixed up with a little *charity*. But this, I shall be told, is contrary to the *spirit* of the

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* Of all the encouragement to vice, none is more scandalous than that given to *soldiers* for the seduction of women. I will illustrate this by a case which has just come under my notice. A serjeant in one of the home regiments courted a servant girl of excellent character for about two years, promising her marriage, both verbally and by letter, and in fact using every artifice to gain her affections. Having accomplished this, he watched his "opportunity" to effect her ruin, and then (according to custom) deserted her. Being destitute, with a child, she applied to strangers for help, who having taken up her case, waited upon the seducer at his Regimental Quarters. He at once confessed to the paternity of the child, but in the coolest and most lawyer-like manner produced the Mutiny Act, and pointed to the 40th section, exonerating him, as a soldier, from all liability to the consequences of his act, which, he said (confidently) "there was no mistake about, as cases similar to his own were of frequent occurrence in the regiment and were proved to be unreachable by the common law." Now, when it is recollected what influence a red coat, and the imaginary heroism with which it is associated, have upon the weak minds of many girls in humble life, and that there are thousands of soldiers idling about all over England, we may guess at the consequences of such a Statute! If, for state purposes, the Government are obliged to tolerate such a system, ought they not to shew some compassion to the victims of it?

Poor Law. If so, it is an *evil* spirit, and the sooner it is cast out the better.

One thing is clear, that the really depraved are a much greater charge upon the public purse than those who have not run a career of vice, and who might perhaps be saved from this course by a more benign administration of the Poor Laws. If the young and inexperienced could only be arrested in their downward course *on taking the first false step*, we should hear less of prisons and reformatories and their wretched inmates. *Confirmed* habits of any kind are difficult to get rid of, but to eradicate a confirmed habit of licentiousness is next to an impossibility. How important is it, therefore, to check vice at the outset of its career! Who that has read those melancholy disclosures of a "Prison Matron," recently published, has not risen from their perusal with a sense of shame at the degradation to which it is possible to reduce the female mind, and an earnest desire to do all in his power to arrest the progress of such diabolical wickedness. And yet all these women were once virtuous and happy! It is "the cruel old story," (to use the language of the writer of that book,) "of woman's love and man's fancy for a fleeting day or two—of the woman's trust and man's awful selfishness and crime," that has originated all this terrible evil.

The sad picture drawn by Goldsmith, naturally recurs to my mind at this moment :—

> "Ah, turn thine eyes,
> Where the poor homeless shiv'ring female lies.
> She once, perhaps, in village plenty blest,
> Has wept at tales of innocence distrest ;
> Her modest looks the cottage might adorn,
> Sweet as the primrose peeps beneath the thorn ;

Now lost to all; her friends, her virtue fled,
Near her betrayer's door she lays her head,
And, pinch'd with cold, and shrinking from the show'r,
With heavy heart deplores the luckless hour,
When idly first, ambitious of the town,
She left her wheel, and robes of country brown."

The Deserted Village.

There is all the difference in the feelings of men towards the poor on these occasions—between those who mix with them and know their temptations, weaknesses, and miseries, and those who do *not;* and the latter ("outsiders" in all works of charity) is the most numerous class. When these last named persons hear of a case of seduction, they hastily set the victim down as habitually vicious, and "pass by on the other side." Whereas, in many such cases, so far from originating in premeditated vice on the part of the female, their ruin has been so cunningly devised as to be a matter of surprise to themselves, for the remainder of their lives, how they came to be drawn into the meshes of the net prepared for them by the betrayer.

In enforcing a proposition, however, the argument is always much assisted, when supported by *facts;* and I am enabled, from recent circumstances, to illustrate my meaning, in recommending a relaxation of Poor Law administration, by a case in point:—

An orphan girl in whose welfare I had taken an interest when a child, went to service; I lost sight of her for some time, till in January last I received from her the following letter, *dated from a London Workhouse:*—

"It is with a broken heart that I address these few lines to you. You, I know, have heard of my misfortune, to my great sorrow; it has pleased the Almighty to take him from me, and I

am now a broken hearted woman, for I have suffered much for him, and now he is taken from me; but the Almighty is good.—He has done it for a wise purpose, and I must submit to it: it has been the means of teaching me a great lesson, and has brought me nearer to God. I met with my misfortune in service, and the father of my child ran away; and I remained in service as long as I could. I left my place last March, and with the money I saved I kept myself until October; then there was either the streets for me, or else the workhouse, and I preferred coming to the workhouse, as the people where I was lodging were in great distress, and my dear little baby was almost dying, or I don't suppose I should have come. I have never received one penny from any one for my child's support; but I am sure I have nothing to answer for, as I have done a mother's duty towards my child, and never left him an hour through all my misfortune; and I am sure God will not forsake me. Since the death of my child, I have been removed to another part of the house, and I am anxious to get to service again; but if I go out, I have not a penny in the world to pay for my lodging, as I parted with all my clothes before I came in here: so if you can do anything for me, as I am truly sorry for what I have done, and it was my first offence, and I know it will be my last,—do assist me if you can, or I know I shall be dead in a week. I have never been in such company, and rather than remain here I would sell matches in the streets."

On receipt of this letter, I sent to the matron of the workhouse, and hearing a very satisfactory account of the conduct of the young woman whilst there, I had her removed without delay, took her clothes out of pledge, and through the medium of a lady secured for her a situation. The sequel will be found in the following gratifying letter:—

"I hope you will excuse me taking the liberty of writing to you, but I wanted so to do, to thank you for your kindness to me, and to let you see that I am not utterly lost. I have been here very near six months; there are three servants here. I merely wanted the same as (I believe) a great many more young women do when they are unfortunate,—*a helping hand*: and because some cannot get it they are entirely lost. I really dont know what I should

have done if I had not had courage to write. I'm sure I should have been in my grave. To think what I was this time last year, and look at me now; Mrs. ———— might well say "it is like the dead coming to life again," for I did fret so much. I would help any respectable young woman if it laid in my power. There was a young woman in the workhouse the same time as me, all she wanted was some one to help her, and she had no one. So after I had been here three months, I knew a lady who wanted a servant, so I went and spoke about my friend; so the lady gave her a trial, and she likes her very much. I lent her some of my clothes, and when I took my money, I lent her 15 shillings to get some more necessary clothes, and now she is getting so well. Her child died. May God bless you and your's."

Verily, the poor help one another more effectually than do the rich, and for this reason—they know *how!*

Here then is a case in which a two-fold good was accomplished by very simple means; and I should like to enquire why the Poor Law authorities should prefer supporting poverty, week after week, at the expense of the rate-payers, instead of applying a little Charity, in a summary manner, to emancipate a wretched creature from the thraldom of a parish workhouse, of which she is only an accidental and constrained inmate. By what rule of economy, political or other, can such a system be supported? There is also another question which arises out of this state of things—in the answer of which I have a *personal* interest. I wish to know why I, a rate-payer of one of the London parishes, should be compelled to support the children of men, "the only object and occupation of whose life it is to discover innocence and to betray it"? I happen to know that, in the workhouse of my parish, there were last year about 200 young women confined of illegitimate children, whose licentious fathers did not pay one farthing for their support—but left them and their

mothers (along with numerous others previously betrayed) to be maintained by *me* and the rest of the rate-payers, many of these profligate persons being better able perhaps to maintain them than I am. What justice is there in calling upon me to pay for the villainous amusements of any set of men? If women are to be left "*to those checks which Providence has imposed on licentiousness*"—to what checks are men to be left?

But there is, I believe, a better sense and feeling growing up in the mind of the legislature on this subject. In an act passed in the last session to amend the law relating to illegitimate children in *Ireland*, I find the following clause:—

"It shall be lawful for the Board of Guardians of any Union to recover, by Civil Bill Process at their own suit, the cost of the maintenance of any illegitimate child, during the time that such child, while under the age of fourteen years, has been, or shall be in receipt of relief from the poor rates since the passing of the said recited Act, from the putative father of such child: provided always, that no person shall be sued by the said Board of Guardians as aforesaid, save such person only as the mother of such illegitimate child shall have stated to be the father of such child in an affidavit in the form to this Act annexed, or to the like effect, sworn to by her, before one or more Justice or Justices of the Peace in Petty Sessions; or (if made in the Police District of *Dublin* Metropolis) before one or more Divisional Justices, within the said district, which affidavit the said Justice or Justices are hereby to take, on the application of the Guardians."

This is, in fact, a revival of the old law as regards one part of the United Kingdom—and the sooner it is applied to the other, the better.

With respect to the *pecuniary* allowance to the victims of seduction, for the maintenance of illegitimate children, it is ridiculous to suppose that any

sensible rule can be laid down other than that which is acted upon in appeals for breaches of promise of marriage—namely, to redress the wrongs of the plaintiff, according to the means of the defendant and the particular circumstances which accompanied the transaction. The present allowance under the Poor Law in all cases, is simply a mockery. But here again should be brought into play the rule of distinction between (to use the language of Sterne) "one propensely going out of the way and continuing there by depravity of will," and "a hapless wanderer straying by delusion and warily treading back her steps." I lay it down as a rule that in the ordinary acceptation of the term, *a woman cannot be seduced a second time*, and therefore, if she presents herself as a mother twice, she must be treated for what she is—a lewd and profligate person, and (if abandoned by the reputed father of her child) receive only that modicum share of commiseration demanded by her own, as well as the natural wants of her child. This rule of distinction is essentially necessary in order to discourage and discountenance that vice which it is the object of society to diminish. With an enlarged sympathy for the female sex I am convinced, after some years' experience, that the only *checks* upon a woman whose passions are so strong that she cannot take warning from the penalties of a first transgression are *the presence of her child, and the responsibilities attached to the care of it.* To visit the error of a day with the infamy of years, is one thing; but to tolerate habitual profligacy with impunity, is another.

There is another (the last) branch of this subject I wish to allude to—namely, the *tribunal* before which

these cases of Bastardy are usually adjudicated: and my observations will apply specially to London and the other great towns of England. In the *metropolis*, owing to the increased and increasing population, the police courts are already over burthened with the business which peculiarly and properly belongs to them; and although the magistrates of these courts cannot refuse to give some official attention to the cases of affiliation which come before them, they are naturally desirous of disposing of these appeals as quickly as possible, that they may enter upon the pressing and more legitimate business of their office. This business has a particular character, and draws together an audience of peculiar instincts. The "riff-raff" which form the back-ground of a metropolitan police court are *sui generis*, repulsive equally in features as in tastes: and it should be left to them undisturbed. To drag before such an audience a young woman who has a spark of shame and respectability left is cruel and crushing. Surely, the subject, and the interest involved in it, are important enough for a separate court? There is a *Divorce Court* for the rich,—why not an *Affiliation Court* for the poor? On *public* grounds the two interests will bear no comparison. The latter are paramount. There is nothing a man is more afraid of than public exposure, of which the press is the medium. The more formidable, therefore, you make these courts of appeal, the more attractive become their proceedings, and the less inclined is he to appear in them. This is the way to stop the progress of Bastardy, and its attendant Infanticide.

But if this subject, with all its consequences, is to remain a mere matter of *police*, then let it be so in *re-*

ality. Let the poliee do their duty, and instead of confining their vigilance at night to the poor wretches who steal pocket handkerehiefs for bread, let them look after the men who, in the garb of gentlemen, watch and way-lay servant-girls in the streets when out on errands, or who hunt them, (like a eertain lower animal) from street to street, on their return home from their stated holidays. Let this be done after the Athenian rule, and there would be less robberies—*the robbery of the heart—the filching of good names,*—leaving their owners outeasts, and "poor indeed!"

If, however, a man with sufficient peeuniary means seduces a girl without any means at all, it is useless, and sometimes worse, to invite her to make her appeal to *any* eourt whatever, unless you support her in her plea when she arrives there. I have known many shameful and heart-rending failures of justiee on this aecount.

In 1844 (after ten years of error and mischief under the *New* Poor Law) an attempt was made to afford the mother of an illegitimate child some redress.

Now hear the language of different Members of Parliament when this measure was under discussion. One member "thought these clauses would not have the effect intended—that they would not give such a remedy to the woman as would reasonably enable her to maintain her bastard child, and so keep her out of the Union-house, which was a nuisanee to all elasses of persons in her eireumstances." Another member said "the appeal elause threw upon the woman, for the first time, the responsibility and costs of defending herself; hitherto, she had been defended by the parish, now she

was to conduct her own defence, and he put it to the common sense of Parliament, what chance had a poor woman with child, friendless, in the presence of a strange magistrate, against a father backed by a sharp attorney, ready to take every advantage"? Another member "hoped that justice would be done to the woman. The man should be prevented from escaping in consequence of the inability of the woman to raise such a sum as would be requisite to enable her to prosecute her claim at the Quarter Sessions. The cost of making an appeal could not be estimated at less than £4 10s., and how in the name of fortune was a poor woman in such circumstances to procure this sum." Another member "would ask whether the victims of misfortune, who came within the act, were to be left without friends to aid them in prosecuting an appeal against the decision of the magistrate where this decision had been unjust; with an infant at her breast, her character ruined, how was she to obtain a livelihood? and what was the result of throwing the burden of the maintenance of the child upon the woman? Child murder! The coroners of the country would assert the truth of it." A member who had previously spoken upon the subject said—"If two magistrates at Petty Sessions made an order against A, B, C, or D, and they appear against it, the remedy of the woman was to go to Quarter Sessions in some other part of the county, and then she might be kept for a week together at her own expense, that being not less than £10 or £12. If they agreed to mitigate the severity of the present law as regarded bastardy, they should act like men of common sense, and put the woman in a condition to have justice done to her, and not to give a

remedy in words which practically would be of no advantage to her."

After these forcible and sensible appeals, and an admission on the part of the Home Secretary "that the difficulty of obtaining any maintenance for the child might lead to infanticide," "the House," (to use the words of "The Times") "went to a division, the result of which was, that the appeal was left to the man; and to the woman the right of renewing her application."

It is clear, therefore, that the woman unassisted by the Legislature, or by some society of Philanthropists has no chance of redress against a putative father with means to back him, in his cowardly* opposition to her claims; and that any new law which possibly might be projected for her benefit would be as futile as the old, unless accompanied by the professional advice her case demands, and which she is unable of herself to supply.

Till all this be done, it is mere hypocrisy to bend our knees, Sunday after Sunday, "*beseeching*" the Almighty to "raise up them that fall," and to provide for the "desolate and oppressed," when we (His agents) do nothing of ourselves to assist in the accomplishment of this work of charity.

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* The issue in some of these cases of affiliation is of the utmost importance to the reputed father, and he will not hesitate to swear anything to get himself out of the scrape, especially if he be in some public position. I recollect an instance of this kind many years ago, where the person charged with the paternity appealed against his liability from court to court, 'till the matter became one of great public notoriety, and almost everybody thought he *must* be a victim. Some years afterwards I met with the parish authority who had the case in hand, and he told me that notwithstanding the extraordinary pertinacity of the reputed father, every year of the child's growth gave unmistakeable evidence of his paternity, "for they were as like one another (said my informant) as two peas."

I will conclude this pamphlet in the words of "*The Times*," some years ago, when the case of a female, involving painful considerations, was under discussion :

"*We wish to make no romantic appeal to chivalry for persons of her caste, but we put it to the public plainly and fairly to consider what justice requires in men making laws which vitally affect that half of the population that has no voice in the Senate, and which is exposed to an evil and to temptations which the other sex, morally equally guilty, is all but free from.*"

THE END.

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